

**TOWN OF FALMOUTH**  
**Board of Zoning Appeals**  
**Minutes**  
**Tuesday, November 23, 2010**

**MEMBERS PRESENT** – Dennis Keeler (Vice-Chair), Jim Thibodeau, Willie Audet, Stan Given, Jonathan Berry (Associate), Don Russell (Associate)

**MEMBERS ABSENT** - Fred Jay Meyer (Chair)

**STAFF PRESENT** – Amanda Stearns, Community Development Director and Acting Code Enforcement Officer

**1. Call to Order**

The meeting was called to order at 6:31 pm.

**2. Discussion and adoption the minutes of the previous hearing(s).**

a) July 20, 2010

Stan Given moved to approve the minutes; Willie Audet seconded. Motion carried 5-0.

b) July 27, 2010

Stan Given moved to approve the minutes; Willie Audet seconded. 4-0 (Thibodeau abstained).

**3. Discussion and finding that all applications presented for this hearing are complete.**

No discussion was held.

**4. Applications**

a) **14 Marston St, VEI LLC**, – Conditional Use application under Section 6.2b for additions. Parcel U44-028-A, zoned VMU. **Tabled from October 26, 2010**

Jonathan Berry was appointed as a voting member for this item.

Gene Villacci of VEI presented the application. They want to move and enlarge the porch to provide an entrance, because the front porch does not meet setbacks. The proposed porch is 10x6 with stairs exiting front and rear, with a hip roof over the top. There are 20.6 feet to the boundary line. They will now use the side entrance as the primary entrance to the home.

Public comment period opened; no public comment.

Stan Given asked how wide the porch on the side is currently. Mr. Villacci said it is currently 4 feet; it will be 6 feet.

Stan Given asked about the distance from the abutting home. Mr. Villacci said it is 18.6 feet; the setback is 15 feet.

Dennis Keeler observed that the porch has been moved toward the middle since the last application. Mr. Villacci said he moved it five feet up and widened it. It will be centered on the home.

Dennis Keeler asked how he got the 18.6 foot measurement.

Mr. Villacci got a statement from the Public Works department on where the setback is. There are rocks that have been used as a boundary and there is a row of trees that have been used for previous assessments for septic work. They measured from those places, and it fell in line with the centerline of the road. He is comfortable with those boundaries.

Dennis Keeler thought there was a bit of risk on the applicant's part that it may not be accurate.

Amanda Stearns has discussed this issue with the building inspector and they will be taking a position moving forward that a property survey, or a statement signed by the property owner acknowledging their responsibility to meet the setbacks, will be required prior to issuance of a building permit.

Mr. Villacci acknowledged that the onus is on him. He is pretty comfortable with facts from 1965-86 and forward with sketches and property lines.

Stan Given moved to approve the application under 6.2.b. Willie Audet seconded. Motion carried 5-0.

- b) **Withdrawn 24 Amerescoggin Drive, Dennis O'Brien representing Kristen Greer** - Conditional Use application under Section 6.2.b and a Set Back Variance under Section 8.5 for an expansion. Parcel U18-057, zoned RA/LR. **Tabled from October 26, 2010**
- c) **5 Winslow Road, Maureen Hale**- Conditional Use application under Section 6.2.a for an addition. Parcel U02-043, zoned RA.

Micah Holloway explained that Ms. Hale wants to put a small addition on the back of the house that will extend a previous addition. This will include a larger bedroom for her mother and an ADA bathroom. He believed that everything is within the setbacks.

Public comment period opened; no public comment.

Don Russell was appointed a voting member for the item.

Willie Audet expressed his wish for a scaled drawing with the submission. Amanda Stearns said it is supposed to be included with all applications. Jon Berry agreed with Willie Audet.

Dennis Keeler also agreed. He asked about lot coverage calculations.

Mr. Holloway said he thought they were included. There was a set of plans that was submitted.

Dennis Keeler asked if there was a maximum 20% lot coverage in the RA zone. Amanda Stearns said yes.

Mr. Holloway said it is only a 14x14 addition and it meets all the setbacks.

Dennis Keeler asked if the pool counted toward lot coverage.

Amanda Stearns said it was buildings only, so the house, barn, porches, garages etc. would count. The pool would not be counted. At Dennis Keeler's question, she said there is a carport with a porch attached, which would be included.

The Board tried to determine the lot coverage from the information submitted.

Jim Thibodeau's rough calculation was that the lot was at 10% coverage. He assumed the lot was 150x100.

Maureen Hale clarified it was 150x120.

The Board delayed hearing the item and moved on to the next item while the applicant calculated the lot coverage.

When Mr. Holloway returned, he had calculated the coverage at 9.27%; the lot is 18,000 sq feet, and the existing building is 1940 sq feet without the pool. He guessed at the size of the car port, but he used a generous number.

Dennis Keeler said the tax sheet says 16,553 sq feet for the lot.

Amanda Stearns asked about the addition.

Mr. Holloway said the addition was 201.39 sq feet; with the addition the lot coverage would be around 9.47%.

Stan Given calculated 12.9-13% coverage by using the lot size on the tax record. Dennis Keeler thought, either way, they were fine.

Don Russell moved approve the application under 6.2.a. Jim Thibodeau seconded. Motion carried 5-0.

- d) 400 US Route One, Richard Allred dba SciRx Inc representing Richard Fortune – Conditional Use application under Section 3.7 to establish “Light manufacturing operations.” Parcel U62-003, zoned BP.**

Rich Allred presented his application.

Public comment period opened; no public comment.

Jon Berry was appointed a voting member for this item.

Jim Thibodeau asked what the applicant will be manufacturing. Mr. Allred explained that he will be compounding pharmaceuticals to alter taste and administration methods for example, mostly for companion and research animals.

Jim Thibodeau asked about regulations regarding sewage waste.

Mr. Allred said there is very little waste; he will be licensed as a drug outlet by the State, similar to a CVS or Rite Aid. Part of standard operation costs is to have a contract to have hazardous waste material removed. His intent is to be Board certified by PCAB (Professional Compounding Centers of America).

Jim Thibodeau asked if he would be creating hazardous waste.

Mr. Allred said no, there will be no hazardous waste. He will wash some glassware in a sink. He is taking pills/capsules and changing the format.

Jim Thibodeau asked if there was any heating.

Mr. Allred said no, there is no venting outside the building. Any grinding he does will be done under a powder hood, which captures any dust that is created and will be removed and replaced every two years. That will be certified.

Jim Thibodeau asked about buffering.

Mr. Allred said he will be using existing lease space. There will be some interior build-out for the compounding lab and an office. There are four parking spaces dedicated for that site. The traffic for this business will be minimal.

Jim Thibodeau asked how much floor area he will be using. Mr. Allred said he will use 6% of the building. It is a big building.

Amanda Stearns discussed the categorization of this use. Mr. Allred came to the Planning Department and they have discussed traffic. Mr. Allred has said at most the foot traffic would be a couple visits a day; periodically a pet owner may come to pick up a prescription. The Planning Department felt it would fall under the manufacturing category and any customer traffic would be incidental.

Dennis Keeler asked if anything happens outside. Mr. Allred said it is all interior; he has to place a sign outside to identify it as a pharmacy.

Dennis Keeler asked if there is a distinction between the office and light manufacturing.

Mr. Allred provided the Board with a plan of the space. They will be adding interior dividing walls to split off the office. The lab has to be secure; he has to be able to lock it when he isn't there.

Willie Audet moved to approve the application; Stan Given seconded. Motion carried 5-0.

As no one was present for the Patricia Scott application, the Board proceeded with the next item on the agenda.

**e) 412 Middle Road, Lorri Dougherty - Conditional Use application under Section 6.2 for an addition. Parcel R01-037-A, zoned RBm.**

Don Russell was a voting member for the item. Jon Berry recused himself due to a conflict.

Lorri Dougherty explained that she wants to add a boot room with an attached garage to her home. Caleb Roy is helping build the home.

Public comment period opened; no public comment.

Jim Thibodeau asked if they are leaving the old garage. Ms. Dougherty said yes.

Jim Thibodeau asked if the garage was a stand alone building. Mr. Roy said yes; they want to attach the old garage to the mudroom and the new garage.

Jim Thibodeau asked if the driveway is currently there; Mr. Roy said yes.

Jim Thibodeau observed that the zone requires a setback of 25 feet in front. He asked how they verified the setback as the plan shows them at exactly 25 feet.

Mr. Roy said that is the corner of the lot. He said it was preapproved in 2005; he pulled those old records and went from there.

Jim Thibodeau observed that there is zero room for error here and it will be on them if it is incorrect. Willie Audet agreed; if they want to refinance or go to sell the property it would create a problem if they were violating the setback.

Mr. Roy said he didn't know what that setback was; he went from the previous plans.

Dennis Keeler wondered if that was a front setback.

Amanda Stearns said that was actually a side setback. The front setback is the line along the road and is 25 feet; the rear is 40 feet and all other lot lines are considered sides and the setback would be 20 feet. That side setback should be measured parallel and not diagonal as they have shown it on the plans. She discussed with the Board how to determine the side setbacks on an L-shaped lot.

Willie Audet asked if the building inspector would measure the lines when he went out.

Amanda Stearns said the Town is not the responsible party to determine setbacks and they do not require every property to have a survey. It is the property owner's responsibility to meet setback.

Jim Thibodeau felt the application doesn't meet the setback. It might be okay, but he felt that they would either need a survey to determine that or do a lot of legwork.

Ms. Dougherty said it is all pinned out there.

Dennis Keeler thought the Board was looking for them to come back with more proof that they have met the 20 foot setback in that corner.

Ms. Dougherty wondered if they could cut back that corner by three feet.

Amanda Stearns suggested a condition, if the Board was comfortable, that staff verify with the property owner that they can meet that minimum setback in that corner. The application could then be approved tonight.

The Board indicated that they were comfortable with that approach.

Dennis Keeler felt that might require a change to the building being presented.

Stan Given asked if there was second floor living space over the garage. Mr. Roy said no, it's just storage.

Stan Given asked about lot coverage. The maximum is 50% in this zone. Mr. Roy said they did not provide those. He explained the measurements of the lot.

Stan Given didn't think they were close to the maximum, gauging by the size of the lot.

Willie Audet was satisfied with the condition that the property owner verifies the measurement to the satisfaction of the code office.

Dennis Keeler was uncomfortable with the condition.

Jim Thibodeau moved to approve the application under 6.2, for a garage that contains no additional living space with the condition that the applicant show that they meet the setback requirements as set forth in the ordinance and they sign an agreement that they understand their responsibility to meet those setbacks. Don Russell seconded. Motion carried 4-1 (Keeler).

- f) **38 Underwood Road, James Suarez representing Patricia Scott** – Conditional Use application under Sections 6.9 and 6.10 to tear down and rebuild a garage. Parcel U18-044, zoned RA.

Patricia Scott said she doesn't think her garage will stand up any longer; she wants to replace it.

Public comment period opened; no public comment.

Jon Berry was appointed as the voting member.

Jim Thibodeau asked if the replacement garage would be the same dimensions as the old one. James Suarez said yes.

Dennis Keeler asked why section 6.9 was referenced here.

Amanda Stearns said when a garage is attached it is considered part of the dwelling unit. Section 6.9 refers to a single-family dwelling. Section 6.10 refers to an accessory dwelling. 6.9 requires the building to meet a 10 foot setback; 6.10 allows a structure to be rebuilt in the existing footprint. In the past the Board has agreed to allow, in situations like these, for the garage to be replaced in the same footprint under 6.10.

Dennis Keeler thought this application could not satisfy the requirements of 6.9.

Willie Audet asked if there is living space over the garage. Ms. Scott said no; the back wall of the garage is part of the house, but there is no breezeway.

Dennis Keeler felt in this instance, it just happens the garage is leaning against the house and it is clearly an accessory.

Stan Given moved to approve the application under 6.9 and 6.10. Willie Audet seconded.

**AMENDED:** to remove approval under section 6.9. Willie Audet seconded the amendment.

Dennis Keeler wondered if they want to approve it under section 6.9.

Stan Given amended his motion to remove reference to section 6.9. Willie Audet seconded the amendment.

Willie Audet observed that, under definitions in the ordinance, accessory doesn't refer to attached, only subordinate.

Dennis Keeler felt, in some instances, it could be argued that it is part of the dwelling, but not in this instance.

Motion carried 5-0.

- g) 215 US Route One, Mark Sengelmann representing BAAS Partners Realty -**  
Conditional Use application under Section 3.6 to establish "Outdoor sales and storage of equipment and materials." Parcel U11-035-A, zoned SB-1.

Tony Meunch, landscape architect, presented the application. They want approval for two locations for outdoor storage – one in the front at the entrance for temporary storage that would be taken in at night, and the other would be a screened, fenced in area for sales of garden materials and outdoor furniture. It is a permitted use in the Route 1 area. Total area is 2500-2600 sq feet combined.

Dennis Keeler recused himself, as his firm has done work on the project. Jim Thibodeau served as chair in his absence.

Mr. Meunch presented an overall plan of the property. The area on the north side would be the hardware store; the area on the front would be temporary outdoor storage. Along the back there would be a metal fence, 6 feet high, with plant material along it in a two foot strip. There is plenty of room for traffic circulation in back. The front area would be where snow blowers

would be stored in the winter. He showed an example of the plant material planned for the fence area – a grass type that grows 4 feet high. Not only will there be screening along the fence, but there is plant material along two sides of the front outdoor storage area. There is a 10 foot wide vegetated strip along the property lines on those sides as well.

Don Russell was appointed as a voting member.

Willie Audet asked where the Dunkin Donuts is in relation to the site.

Mr. Meunch said it is on the side facing the front storage area, but there are plantings along the property line.

Willie Audet asked about storage in the summer since he mentioned snow blowers in the winter.

Mr. Meunch thought there could be plants out there. It would be similar to any other hardware store. The back area would be fenced in, and would include outdoor furniture in the summer.

Willie Audet asked if the hardware tenant was certain. Mr. Meunch said yes.

Stan Given asked about other tenants in the building. Mr. Meunch said there will be three tenants in the building: the bank, the hardware store and the third tenant is uncertain at this point.

Jim Thibodeau asked why this was a conditional use. Amanda Stearns said outdoor sales are listed as conditional use in the district.

Jim Thibodeau asked if there were any special provisions. Amanda Stearns said no, other than the general conditions under sections 8.3 and 8.6.

Public comment period opened; no public comment.

Stan Given asked about the open storage area of 490 sq feet; is it receiving any special pavers or treatment to define it. He wondered if there was a way to define it so that the store doesn't scatter stuff everywhere.

Mr. Meunch said it will be a hard surface, either concrete or pavers. He thought they didn't want to block their walkway but they could differentiate it with different colors.

Amanda Stearns said this will require an amendment to the site plan by the Planning Board. She thought the Board could recommend to the Planning Board that they delineate it with different color pavers or something so it was easily managed.

Jim Thibodeau asked about storage of hazardous materials. Mr. Meunch thought there wouldn't be anything more than any other hardware store; gasoline or approved herbicides, for example.

Jim Thibodeau asked if the snow blowers would have gas in them and whether there is a spill prevention program in place for the outdoor storage.

Mr. Meunch thought the snow blowers wouldn't have gas in them; perhaps there would be one they could start up as a demo.

Stan Given thought vehicles with an integral gasoline tank wouldn't fall under a spill prevention program.

Jim Thibodeau thought they could recommend a spill prevention program to the Planning Board, as well as a fire prevention program, in consideration of potential fertilizer storage.

Stan Given asked if there was a roof over it. Mr. Meunch said no, there would be no roof.

Jim Thibodeau thought there were 4 concerns, delineation of the outdoor space, spill prevention program, fire prevention program, and disallowance of any hazardous materials like insecticides that might spill into the storm drain.

Willie Audet and Stan Given were concerned about propane as well.

Amanda Stearns thought the Board had choices; they could either make recommendations to the Planning Board or they could make their own conditions that the Planning Board would then have to assure were implemented.

Jim Thibodeau polled the Board. The Board indicated agreement with making recommendations. Stan Given felt they should make the delineation of the front outdoor area a condition.

Willie Audet felt the Route 1 guidelines addressed outdoor sales quite closely.

Stan Given moved to approve the application under 3.6 with the provision that the applicant delineate the outdoor storage area in a manner that makes clear the boundaries, and with the recommendation that hazardous material storage, fire hazards and consideration for a spill prevention program be reviewed by the Planning Board prior to approval. Don Russell seconded. Motion carried 5-0.

**h) Hartford Ave, Jane Weed representing Charles P. Willson - Conditional Use**  
application under Section 6.7 to build a single family dwelling. Parcel U04-038, zoned RA.

Dennis Keeler returned to the meeting.

Greg Fontaine, representing Jane Weed who is buying the property from the current owner, said it is a standard lot from a subdivision approved in the 1940's. They can meet all the current setbacks for the new building.

Public comment period opened.

Shelly D'Alberto of 20 Providence Avenue would be behind the property. She said there is a major water problem in this area. When lot 009 was built, the house was built up so high that all the water drains to all the other properties. She is concerned that this will happen to her. Her basement is currently dry. She felt the Town should require the applicant to do a water survey. The Town had to put in drainage on properties at the back side of Providence. There is a paper street next door to the property. The kids have made a walking path along that paper street to the Audubon. She didn't think, based on the plans, that this meets the setbacks. She wondered about fencing along the back and how the driveway is going to go.

Jim Thibodeau asked about the property where there is a home currently being built.

Ms. D'Alberto said it is flat, but there is standing water there. It is wet and marshy. The paper street is wet. She confirmed that her basement is dry, but she is sure that when they redid the house they had to raise it. There is drainage in front of her house.

Jim Thibodeau asked if there was an underdrain around the perimeter footing of her foundation.

Ms. D'Alberto said she didn't know. She said there are water issues in the neighborhood. She confirmed that 2 of the 3 pins that Ms. Weed is using are correct, because Ms. D'Alberto had her property surveyed when she bought it.



Dennis Keeler asked about the paper street. Ms. D'Alberto said it is a continuation of Harding Avenue.

Dennis Keeler asked about the location of the home with water problems. Ms. D'Alberto said it is on Harding Street, lot 09.

Amanda Stearns said it is adjacent to 08 on the plan.

Ms. D'Alberto explained that they built that lot up and then built the house. The water is now flowing onto the other properties. The house on lot 12 started the problems, and the house on lot 9 added to it.

Mr. Fontaine said they had a surveyor locate the three pins, and set the fourth corner pin, to confirm that they do not encroach on Harding and to make sure that the setbacks are met properly. John Maclaine of the DEP was at the property; there are wet spots on the lot. Mr. Fontaine said the worst case scenario would be a tier 1 permit that the DEP would have to approve, but nothing that would prohibit a home being built.

Dennis Keeler asked if the home would have a basement. Mr. Fontaine said yes.

Dennis Keeler asked about the house plans submitted. Jane Weed said they are a sample.

Mr. Fontaine said that is the largest house that would be built on the lot. It was a little expensive to have plans drawn up considering that Ms. Weed hasn't completed the sale. She didn't want to go to that expense without assurance that she could build on the lot.

Dennis Keeler said they can't approve the setbacks without a house in front of them. Mr. Fontaine said they are looking for approval of the footprint.

Jim Thibodeau and Dennis Keeler said they couldn't read the dimensions. Willie Audet asked about lot coverage.

Amanda Stearns said the depth of the house is marked as 42 feet, minus the bump outs. Jim Thibodeau thought the bump outs scaled out as more than 3 feet.

The Board couldn't determine the size of the house from the information submitted.

Dennis Keeler didn't think they could approve a hypothetical house.

Mr. Fontaine asked if they could give them an approval contingent on meeting the setbacks and lot coverage.

Dennis Keeler said the Board also has to address the issues of no adverse impact, etc. and they can't do that without actual plans for the house.

Willie Audet understood the applicant wanted to confirm prior to purchasing the property that she can build a house like this one on this lot, but to do that, they have to look at the house she wants to build. They also have to address the water question.

Jim Thibodeau thought if they had a topographical plan with a drainage analysis, he felt they could approve it with a plan for a similar house, with a height restriction.

Mr. Fontaine thought they could work on a topographical plan, along with a better elevation of the house.

Willie Audet cautioned the applicant that overhangs would count as well. As a Board they need to see the house that they want to build.

Jim Thibodeau moved to table the application, pending a topographic drainage study and proposed house plans, to the next scheduled meeting. Stan Given seconded. Motion carried 5-0.

## 5. Other Business

- a) **40 Powerhouse Road, Zbig Kurlanski** – Request for reconsideration of the action taken October 26, 2010. Parcel U16-083, zoned RA/LR.

Jim Thibodeau and Don Russell recused themselves.

Jon Berry was a voting member for this item.

Zbig Kurlanski provided the Board with additional information on his request. He pointed out that the final decision does not include a notice of anyone's appellant rights. He saw a copy of an email sent by the Portland Yacht Club to its members that said that they were going to go along with the limit of 8 events, but that they might want to expand on that at a later time. He felt if that language was included in the decision, it would clarify everyone's rights in how to proceed. He said he did not have access to approved minutes of the hearings when he filed his request for reconsideration, since they were only approved tonight. He might have other issues now that he has access to approved minutes. He said he has never received a mailing of the final decision.

Willie Audet asked about Mr. Kurlanski's question regarding the written decision.

Amanda Stearns said the Town's ordinance doesn't require a specific response, though the statute does. Mr. Kurlanski acknowledged to Town staff his receipt of a scanned copy of the signed findings of fact by email.

Mr. Kurlanski said in previous mailings from the Town, he has received a cover letter which includes a list of his rights. If a mailing went out, he didn't receive it. Several mailings that have gone out through this process have gone to the Yacht Club instead of him.

Dennis Keeler asked if there were any new materials in this request for reconsideration.

Mr. Kurlanski said all the materials he presented to the Board tonight were available to him during the previous hearings. These were omitted statements or were not complete in what the record was. He was hampered by the lack of approved minutes.

Dennis Keeler felt that would be an issue if he was going to court, but he wondered why presenting material that was available to the Board previously would be grounds for reconsideration.

Mr. Kurlanski said there was a serious discussion as to what an event was. The written presentation given by Attorney Pearce didn't clarify what an event was. He read an email from the Yacht Club which stated that the Club didn't feel that the Board had the authority to impose those limits. At Dennis Keeler's question, Mr. Kurlanski clarified that he is asking them to reconsider their decision in light of the fact that some of the decision is confusing to him. There is no definition of what an "event" is.

Jon Berry understood Mr. Kurlanski's position and felt he was requesting clarification. He explained that those specific issues regarding what an event is were specifically left unaddressed.

The specific language of the findings of fact doesn't necessarily support the email from the Yacht Club. He said they recognized that they were establishing a baseline going forward, and that if Mr. Kurlanski experienced additional problems, he should go to the CEO. The CEO now has concrete guidelines moving forward. He thought the Board couldn't lawfully offer more than they did.

Mr. Kurlanski said he didn't have a copy of the approved minutes that would give him some clear guidance. He is using the "events" issue as an example; there may be other issues when he reviews the minutes. One of the reasons he is asking for this reconsideration is procedural; he didn't have all the documents available within the timeframe permitted by the statute to file an appeal.

Jon Berry couldn't speak as to whether if the Town has failed to comply with the requirements to provide him with information in timely manner that affects the timing of his appellant rights.

Dennis Keeler said they entered into the discussion of preclusion and the three-prong test was to determine whether the letter of the CEO constituted a decision that triggered an appeal process. That three-prong test does not apply to what the quasi-judicial board does. They made their decision and issued findings of fact and conclusions of law, and by statute he has 45 days to appeal. Whether the lack of a written copy of the findings constitutes grounds for an appeal would be for the courts to determine. What Mr. Kurlanski would receive in the mail would not be any different than what he received in email. He felt Mr. Kurlanski's request was more for clarification than reconsideration. The Board went as far as they could with the facts before them.

Public comment period opened.

Don Russell, an abutter to the Portland Yacht Club, has lived there for many years. He recommended that the Board disapprove the request for reconsideration. He has heard many appeals to the decision of the CEO but this one is the most absurd. This is costing the Town money and wasting the Board's time. Testimony has clearly shown that overflow parking has taken place on the lot since prior to 1965.

Mrs. Kurlanski said it was the Club that submitted multiple documents. They (the Kurlanskis) appealed one statement the CEO had made. She discussed the history of the hearings and delays and refuted that they delayed this any more than anyone. It cost them money to appeal.

Public comment period closed.

Willie Audet asked if they have to take some action on the application. He felt they should.

Amanda Stearns said reconsideration is governed by state statute under Title 30-A, section 2691, and she read the statute language. The Kurlanskis made a timely appeal. The language does imply that the Board should take action.

Jon Berry moved, for purposes of discussion, to deny the request for reconsideration; Willie Audet seconded.

Stan Given felt there wasn't anything here that was new and warranted reconsideration; he thought the record stands.

Jon Berry said he didn't agree with Mr. Russell's characterization of the Kurlanskis' intent. Issues with land use are some of the most personal matters, often times inspiring anger and raw emotions. He sympathized with the frustration that the Board couldn't offer a more definitive solution to the problem as a whole. They spent a lot of time on this matter, in order to provide the parties with as much guidance as they could, within their jurisdiction outlined by the rules of the Town and the state.

Willie Audet thought this was the most thoroughly investigated issue they have had before the Board during his three terms. He felt they have given it their best shot. It is now up to the CEO to start enforcing those 4-8 events.

Dennis Keeler agreed with Jon Berry. This is a difficult process; there is nothing as personal as people's personal property.

Motion carried 4-0. Request denied.

## **6. Adjourn**

Meeting adjourned 9:12 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary